

REMARKS

The non-final Office Action mailed March 18, 2008 and references cited therein have been reviewed. Applicants have amended claims 1, 17-21 and 49 by this amendment. Applicants have noted that the objection to the claims based on Adoline and Miura have been withdrawn, and new grounds for rejecting the claims have been entered, which new grounds are based on newly cited references Salice, Johnsen and Geyer and previously cited references Johnston and Miura.

CLAIM OBJECTION

Claim 1 has been amended to correct the grammatical error identified by the Examiner.

SECTION 112 REJECTION

Claim 1 was objected to as being indefinite. Applicant has amended claim 1 to include a semi-colon after the word "housing." Applicant submits that all of the pending claims are in proper form pursuant to 35 U.S.C. §112.

THE SECTION 103 REJECTIONS

Claims 1, 5, 10, 11, 13, 27, 29, 31, 49, 50, 57, 60 and 74-76 were rejected under 35 U.S.C. §103(a) as being unpatentable over Salice in view of Johnston. Claims 2, 6, 8, 12, and 72 were rejected under 35 U.S.C. §103(a) as being unpatentable over Salice in view of Johnston and further in view of Johnsen. Claims 3, 73 and 84 were rejected under 35 U.S.C. §103(a) as being unpatentable over Salice in view of Johnston and further in view of Geyer. Claims 4, 7 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Salice in view of Johnston and further in view of Johnsen and Geyer. Claims 14, 17, 18, 22, 23, 51-56, 58, 59, 61, 62, 87, 90 and 93-96 were rejected under 35 U.S.C. §103(a) as being unpatentable over Salice in view of Johnston and further in view of Miura. Claims 15, 16, 19-21, 24-26, 28, 30, 32, 88, 89, 91 and 92 were rejected

under 35 U.S.C. §103(a) as being unpatentable over Salice in view of Johnston and further in view of Johnsen and Miura. Claims 85 and 86 were rejected under 35 U.S.C. §103(a) as being unpatentable over Salice in view of Johnston and further in view of Miura and Geyer.

Applicant notes that in all of the Section 103 rejections, Salice is the primary reference cited against the claims. Salice does not disclose that 1) two springs are positioned in the housing, 2) the guide member has a passageway that passes fully through the guide member, 3) the guide member is designed to move into engagement with or move to a position closely adjacent to the top bushing when the rod member moves to a fully extended position, 4) the top bushing includes a sealing arrangement positioned at least closely adjacent to a bottom of the top bushing, 5) the guide member has a passageway which is fully spaced from the side of the guide member, 6) the passageway in the guide member can include a valve, 7) the guide member can include a second passageway that fully passes through the guide member, 8) the second passageway, when included, is spaced from the first passageway, 9) the second passageway, when included, is fully spaced from the outer edge of the guide member, and 10) the second passageway, when included, has a maximum flow rate that is less than the maximum fluid rate of the first passageway.

Applicants submit that the teachings of Johnston, Johnsen, Miura and/or Geyer in combination with Salice does not disclose, teach or suggest to one skilled in the art of springs the spring system and method defined in the claims.

Johnston relates to a completely different type of compression spring system from the compression spring rod disclosed in Salice, and defined in the claims. Johnston discloses a stabilizer that attempts to maintain the guide member on the rod member at generally the mid-region of the housing. Two sets of springs on both sides of the guide member accomplish this task. The rod

member can only be moved to the fully extended position by the compression of springs 120, 122. As such, only when an axial force is applied to the rod member to move and retain the rod member in a fully extended position can the rod member be in a fully extended position based on the teachings of Johnston. The only teaching that Johnston adds to Salice is that more than one spring can be included in the housing. Johnston does not disclose that 1) a top bushing includes a sealing arrangement, 2) the top bushing includes a sealing arrangement that is positioned at least closely adjacent to a bottom of the top bushing, 3) at least one of the springs has a free length that is at least a majority length of said internal chamber, 4) the guide member includes a first passageway that at least partially regulates fluid flow between the at least two sub-chambers during reciprocation of the rod member, 5) the first passageway is fully spaced from an outer edge of the guide member, 6) the guide member has a passageway that passes fully through the guide member, 7) the top bushing includes a sealing arrangement positioned at least closely adjacent to a bottom of the top bushing, 8) the passageway in the guide member can include a valve, 9) the guide member can include a second passageway that fully passes through the guide member, 10) the second passageway, when included, is spaced from the first passageway, 11) the second passageway, when included, is fully spaced from the outer edge of the guide member, and 12) the second passageway, when included, has a maximum flow rate that is less than the maximum fluid rate of the first passageway.

As is evident from the lack of teachings in Johnston, many of the claim limitations of the pending claims, in combination with the fact that Johnston discloses a completely different spring system from Salice that achieves a completely different result from Salice, and further in view of the fact that Johnston in combination with Salice does not overcome the many deficiencies of Salice as set forth above, Applicants submit that the combination of Salice and Johnston do not make obvious

any of the pending claims. Applicants request that the rejection of claims 1, 5, 10, 11, 13, 27, 29, 31, 49, 50, 57, 60 and 74-76 under 35 U.S.C. §103(a) as being unpatentable over Salice in view of Johnston be withdrawn.

Johnsen was cited for its teaching that the direction of winding of two springs can be different. Johnsen, like Johnston, relates to a completely different type of compression spring system from the compression spring rod disclosed in Salice, and defined in the claims. Furthermore, Johnsen does not teach most, if not all, of the deficiencies of Salice and Johnston as discussed above. Applicants submit that the combination of Salice, Johnston and Johnsen do not make obvious any of the pending claims. Applicants request that the rejection of claims 2, 6, 8, 12 and 72 under 35 U.S.C. §103(a) as being unpatentable over Salice in view of Johnston and further in view of Johnsen be withdrawn.

Geyer was cited for its teaching that the free length of one spring is different from another spring. As with Johnsen and Johnston, Geyer relates to a completely different type of compression spring system from the compression spring rod disclosed in Salice, and defined in the claims. Furthermore, like Johnsen, Geyer does not teach most, if not all, of the deficiencies of Salice and Johnston as discussed above. Applicants submit that the combination of Salice, Johnston and Geyer do not make obvious any of the pending claims. Applicants request that the rejection of claims 3, 73 and 84 under 35 U.S.C. §103(a) as being unpatentable over Salice in view of Johnston and further in view of Geyer be withdrawn. Likewise, Applicants request that the rejection of claims 4, 7 and 9 under 35 U.S.C. §103(a) as being unpatentable over Salice in view of Johnston and further in view of Johnsen and Geyer be withdrawn.

Miura was cited for the teaching of a guide member that includes first and second passageways wherein one of the passageways includes a one way valve. As an initial matter, Applicant asserts that Miura is not proper art to be combined with Salice, Johnsen, Johnston and/or Geyer. Salice, Johnsen, Johnston and Geyer, like the pending claims, are directed to a spring system that includes the use of a mechanical spring, whereas Miura does not include any mechanical spring. As such, the combination of Salice, Johnsen, Johnston and/or Geyer with Miura cannot be used to support a rejection of any of the pending claims under 35 U.S.C. §103.

Furthermore, as with Johnsen, Johnston and Geyer as set forth above, Miura relates to a completely different type of compression spring system from the compression spring rod disclosed in Salice, and defined in the claims. Miura does not disclose that 1) any springs are positioned in the housing, 2) the guide member is designed to move into engagement with, or move to a position closely adjacent to the top bushing when the rod member moves to a fully extended position, 3) the top bushing includes a sealing arrangement positioned at least closely adjacent to a bottom of the top bushing, 4) the second passageway, when included, has a maximum flow rate that is less than the maximum fluid rate of the first passageway, 5) at least one of the springs has a free length that is at least a majority length of said internal chamber, 6) the guide member has a first passageway which is fully spaced from the side of the guide member, 7) the guide member can include a second passageway that fully passes through the guide member, 8) the second passageway, when included, is spaced from the first passageway, 9) the second passageway, when included, is fully spaced from the outer edge of the guide member, and 10) the guide member has a first passageway which fully passes through the guide member.

Applicants request that the rejection of claims 15, 16, 19-21, 24-26, 28, 30, 32, 88, 89, 91 and 92 under 35 U.S.C. §103(a) as being unpatentable over Salice in view of Johnston and further in view of Johnsen and Miura be withdrawn. Likewise, Applicants request that the rejection of claims 85 and 86 under 35 U.S.C. §103(a) as being unpatentable over Salice in view of Johnston and further in view of Miura and Geyer be withdrawn.

Applicant submits that for at least the reasons set forth above, none of the pending claims in the above-identified patent application are obvious in view of the cited art of record. Applicant respectfully requests that the rejection of the claims be withdrawn and that such claims be indicated as allowable.

Respectfully submitted,
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